

SANTANGELO Law Offices, P.C.

125 S. Howes, 3rd Floor
Fort Collins, CO 80521
(970) 224-3100 FAX (970) 224-3175

#5

FACSIMILE TRANSMISSION

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

TO: Ms. Anita Johnson
Patent and Trademark Office

FAX: 703-305-3230 **TELEPHONE:** 703-305-3661

FROM: Craig R. Miles
Attorney at Law

DATE: April 10, 2001

TOTAL PAGES: 31 (INCLUDING THIS COVER PAGE) X Facsimile Only

Client Reference: XY - Sonicator - US National Phase; US Appl'n No. 09/622,621

MESSAGE:

Dear Ms. Johnson:

Thank you for taking your time yesterday morning to discuss the above-identified application in regard to the revised Declaration which we submitted on September 18, 2000 in response to your Notification of Missing Parts mailed on September 6, 2000.

Please note that we have transmitted by facsimile along with a letter of transmittal, a copy of the entire original response which was submitted by Express Mail by our firm on September 18, 2000 (a copy of the Express Mail certificate is also transmitted). I believe that these documents should be sufficient to show that the revised Declaration was submitted timely to the USPTO with all the necessary signatures.

As we discussed, my understanding is that a United States National Stage application may receive a filing date without submission of the oath or declaration. The oath or declaration may subsequently be submitted within 2 months of that filing date to establish the 102(e) date. I contacted Leonard Smith's extension in this regard, but he was unavailable until Wednesday to give me assistance.

If you would kindly review the documents submitted by facsimile to correct the file, I will contact Mr. Smith on Wednesday to see if we can resolve the matter of the filing date with respect to the 102(e) date.

Sincerely,
SANTANGELO LAW OFFICES, P.C.

Craig R. Miles
45,954

Attorney Docket:XY-Sonic-USNP

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

In Re the Application of:

Kristopher S. Buchanan, Lisa Herickhoff, George Seidel, George
C. Malachowski, Matthias J.G. Ottenberg, Douglas H. Ferguson

Serial Number: (original US) 60/075,612 (new) _____
(PCT) PCT/US99/03638

Filed: (original US) 20 February 1998 (new) _____
(PCT) 19 February 1999

For: A Vibratory System For A Sorting Flow Cytometer

Group Art Unit: 5611

LETTER OF TRANSMITTAL

Ms. Anita Johnson
Patent and Trademark Office
Washington, D.C. 20231

Madam:

Enclosed for filing is a copy of our firm's original Response to Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office (DO/EO/US) mailed September 6, 2000, including the following documents which were originally executed on September 18, 2000 and submitted by Express Mail to the USPTO on September 18, 2000:

1. a copy of the original Response to Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office (DO/EO/US) along with a copy of the original Certificate of Express Mailing;

2. a copy of the Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office (DO/EO/US) along with a copy of the original Certificate of Express Mailing;
3. a copy of the revised Declaration for Patent Application executed by Kristopher S. Buchanan, Lisa Herickhoff, George Seidel, George C. Malachowski, Matthias J.G. Ottenberg, Douglas H. Ferguson along with a copy of the original Certificate of Express Mailing;
4. the copy of the original Letter of Transmittal, a copy of the firm check payable to the Commissioner of Patents and Trademarks in the amount of \$65.00 and post card along with a copy of the original Certificate of Express Mailing;
5. a copy of the original USPS date stamped Express Mail label;
6. a copy of the USPTO date stamped return post card;
7. this Letter of Transmittal; and
8. a Certificate of Facsimile Transmission for each document.

I have this 10 day of April, 2001, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: The Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Dated this 10 day of April, 2001.

Respectfully Submitted,

SANTANGELO LAW OFFICES, P.C.

By:


Craig R. Miles

ATTORNEY FOR APPLICANT

PTO No. 45,954

125 South Howes, Third Floor

Fort Collins, Colorado 80521

(970) 224-3100

Attorney Docket:XY-Sonic-USNP

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Group Art Unit: 5611

CERTIFICATE OF FACSIMILE TRANSMISSION

I, Shannon Nation-Kammerer, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day transmitted by facsimile the attached Letter of Transmittal addressed to: Ms. Anita Johnson at the Patent and Trademark Office, Washington, D.C., 20231, at facsimile number 703-305-3230 dated this 10 day of April, 2001.


Shannon Nation-Kammerer

Attorney Docket:XY-Sonic-USNP

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Shannon Nation-Kammerer

Express Mail No:EL696071118US
Attorney Docket:XY-Sonic-USNP

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Group Art Unit: 5611

Examiner: BUCHANAN

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
§371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The Notification of Missing Requirements under 35 U.S.C. §371, mailed September 6, 2000 (copy attached) requested:

- i) that the applicant furnish a new oath or declaration executed in accordance with 37 C.F.R. §1.66 or 37 C.F.R. §1.68;
- ii) provide a copy of the Notification of Missing Requirements; and
- iii) pay a surcharge for submitting the oath or declaration later than 20 or 30 months from the priority date.

REMARKS

The applicant submits an Oath or Declaration executed in accordance with 37 C.F.R. §1.66 or 37 C.F.R. §1.68 having each inventor's name appearing on the Declaration within one month from the date of the Notice along with the appropriate surcharge of \$65.00 (small entity status) and a copy of the Notification of Missing Requirements.

CONCLUSION

The applicant believes this response addresses all outstanding requirements and should place the application in a condition for complete examination.

Dated this 18 day of September, 2000.

Respectfully submitted,

SANTANGELO LAW OFFICES, P.C.

BY: 

Craig R. Miles

Attorney for Applicant

PTO No. 45,954

125 South Howes, Third Floor

Fort Collins, CO 80521

(970) 224-3100

Express Mail No:EL696071118US

Attorney Docket:XY-Sonic-USNP

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2. I have this day deposited the attached Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) with the United States Postal Service as "Express Mail" for mailing to the Assistant Commissioner of Patents, Box PCT, Washington, D.C. 20231.

Dated this 18 day of September, 2000.

Attorney Docket: XY-Sonic-USNP

IN THE UNITED STATES PATENT AND
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Shannon Nation-Kammerer



141MAN Bu1 PCT
Washington, D.C. 20231

INTERNATIONAL APPLICATION NO.

05/19/99

I.A. FILING DATE

PRIORITY DATE

DATE MAILED: 06 SEP 2000

Telephone: (703) 735-2111



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: ASSISTANT COMMISSIONER FOR PATENTS
 Washington, D.C. 20231

09/622621

U.S. APPLICATION NO.	INVENTOR	FIRST NAMED APPLICANT	ATTY. DOCKET NO.	CLASS

INTERNATIONAL APPLICATION NO.	
PCT/US99/003631	
LA. FILING DATE	PRIORITY DATE
02/19/99	02/19/98
DATE MAILED: 09/06/01	

SANTINIELLO LAW OFFICES
 125 SOUTH HOWES THIRD FLOOR
 FORT COLLINS CO 80521

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

5. *Each inventor's name shall appear on each Declaration.* *Carla Johnson*
 Telephone: 703 305-3661

Express Mail No:EL696071118US
Attorney Docket:XY-Sonic-USNP

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

In Re the Application of:

Kristopher S. Buchanan, Lisa Herickhoff, George Seidel, George
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Examiner: BUCHANAN

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2. I have this day deposited the attached a copy of the Notification of Missing Requirements under 35 U.S.C. §371 in the United States Designated/elected Office (DO/EO/US); with the United States Postal Service as "Express Mail" for mailing to the Assistant Commissioner of Patents, Box PCT, Washington, D.C. 20231.

Dated this 18 day of September, 2000.

Shannon N. Nation-Kammerer

Attorney Docket: XY-Sonic-USNP

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2. I have this day transmitted by facsimile the attached copy of the revised Declaration for Patent Application executed by Kristopher S. Buchanan, Lisa Herickhoff, George Seidel, George C. Malachowski, Matthias J.G. Ottenberg, Douglas H. Ferguson along with a copy of the original Certificate of Express Mailing addressed to: Ms. Anita Johnson at the Patent and Trademark Office, Washington, D.C., 20231, at facsimile number 703-305-3230 dated this 10 day of April, 2001.


Shannon Nation-Kammerer

Express Mail No: EL696071118US

Attorney Docker: XY-Sonic-USNP

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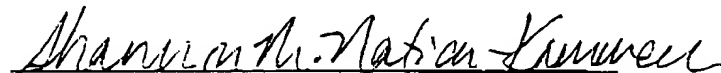
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Dated this 12 day of September, 2000.

Attorney Docket: XY-Sonic-USNP

IN THE UNITED STATES PATENT AND
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In Re the Application of:

Kristopher S. Buchanan, Lisa Herickhoff, George Seidel, George
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Shannon Nation-Kammerer

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Assistant Commissioner for Patents
BOX PCT
Washington, D.C. 20231

Sir:

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Please address all future correspondence to: Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, CO 80521.

I have this 13 day of September, 2000, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: The Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Dated this 13 day of September, 2000.

Respectfully Submitted,

SANTANGELO LAW OFFICES, P.C.

By: 

Craig R. Miles

ATTORNEY FOR APPLICANT

PTO No. 45,954

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Fort Collins, Colorado 80521

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*Express Mail No:EL696071118US**Attorney Docket:XY-Sonic-USNP*

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Shannon Nation-Kammerer



SANTANGELO LAW OFFICES, P.C.
- 125 S. HOWES STREET, 3RD FLOOR
FORT COLLINS, CO 80521

0521+2737



To: The Assistant Commissioner for Patents
Box PCT, Washington, DC 20231

Express Mail No: EL627894581 US Attorney Docker: XY-Sonic-USNP

Please acknowledge receipt of the following documents by applying your serial number and date stamp below:

A Response to Notification of Missing Requirements under 35 U.S.C. §371 in the United States Designated/elected Office (DO/EO/US) (2 pages); a copy of the Notification of Missing Requirements under 35 U.S.C. §371 in the United States Designated/elected Office (DO/EO/US) (2 pages); a new Declaration for Patent Application executed by Kristopher S. Buchanan, Lisa Herickhoff, George Seidel, George C. Malachowski, Matthias J.G. Ottenberg, Douglas H. Ferguson (2 pages); a firm check payable to the Commissioner of Patents and Trademarks in the amount of \$65.00; a Letter of Transmittal; and Express Mail Certificates for each document.

Date:

on

416 Rec'd PCT/PTO 18 SEP 2000